

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ALICIA M. PAGE, CARMEL COOPER, and  
CINDY MUNIZ, individually, and on behalf of  
all others similarly situated,

Plaintiffs,

vs.

ALLIANT CREDIT UNION, and DOES 1-  
100,

Defendants.

Case No.: 1:19-cv-05965

Hon. Sharon Johnson Coleman

**DECLARATION OF RICHARD D. McCUNE IN SUPPORT OF PLAINTIFF  
ALICIA M. PAGE'S OPPOSITION TO THE MOTION TO DISMISS AND REQUEST  
FOR JUDICIAL NOTICE**

I, Richard D. McCune, declare:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and a shareholder with McCune Wright Arevalo, LLP. The following is based on my personal knowledge, and, if called as a witness, I could and would testify competently thereto.
2. I have researched the publicly available fee schedules and/or account agreements of numerous credit unions in the United States. The following are examples of fee schedules and/or account agreements that expressly disclose and explain to consumers that they may be subject to multiple NSF fees for a single electronic transaction that is presented to the bank by a merchant for payment on multiple occasions. Exhibits 1-5 are fee schedules that include language disclosing fees on multiple presentments of a single electronic transaction selected alphabetically by name of institution.
3. Attached hereto as Exhibit 1 is a true and correct copy of the Air Academy

Federal Credit Union's Fee Schedule that was obtained from, and published on, a website maintained by Academy Federal Credit Union at the following internet address:

<https://www.aafcu.com/fees.html>, last viewed on January 28, 2020.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Alpena Alcona Area Credit Union's Free & Fee Disclosure that was obtained from, and published on, a website maintained by Alpena Alcona Area Credit Union at the following internet address:

<http://www.aaacu.com/files/alpena18/1/file/Fee%20Schedule%202019.pdf>, last viewed on January 28, 2020.

5. Attached hereto as Exhibit 3 is a true and correct copy of the American Heritage Credit Union Schedule of Fees and Charges that was obtained from, and published on, a website maintained by American Heritage Credit Union at the following internet address:

[https://www.americanheritagecu.org/docs/default-source/default-document-library/pdfs/discloures-fees/fees/schedule-of-fees-8\\_15\\_18.pdf?sfvrsn=2d3f4f15\\_14](https://www.americanheritagecu.org/docs/default-source/default-document-library/pdfs/discloures-fees/fees/schedule-of-fees-8_15_18.pdf?sfvrsn=2d3f4f15_14), last viewed on January 28, 2020.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Azalea City Credit Union's Fee Schedule that was obtained from, and published on, a website maintained by Azalea City Credit Union at the following internet address:

<https://www.azaleacitycu.com/index.php/resources/fee-schedule>, last viewed on January 28, 2020.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Columbia Credit Union's Personal Fee Schedule that was obtained from, and published on, a website maintained by Columbia Credit Union at the following internet address: [https://www.columbiacu.org/wp-content/uploads/Personal\\_Fee\\_Schedule.pdf](https://www.columbiacu.org/wp-content/uploads/Personal_Fee_Schedule.pdf), last viewed on January 28, 2020.

8. In addition to the fee schedules attached as Exhibits 1-5, I have identified approximately 20 additional credit unions and banks that also utilize fee schedules including language that discloses fees on multiple presentments of a single electronic transaction:

- Evansville Teachers Federal Credit Union's Consumer Fee Schedule – available at <https://etfcu.org/wp-content/uploads/ConsumerFeeSchedule-August-2019.pdf>, last viewed January 28, 2020;
- F&A Federal Credit Union's Schedule of Fees and Charges – <https://www.fafcu.org/current-rates/fees>, last viewed on January 28, 2020;
- First Northern Credit Union's Fee Schedule – available at [https://www.fncu.org/feeschedule/?scpage=1&scupdated=1&scorder=-click\\_count](https://www.fncu.org/feeschedule/?scpage=1&scupdated=1&scorder=-click_count), last viewed on January 28, 2020;
- Glendale Federal Credit Union's Fee Schedule – available at <https://glendalefcu.org/pdf/fees.pdf>, last viewed on January 28, 2020;
- Knoxville TVA Employees Credit Union's Fee Schedule – available at <https://www.tvacreditunion.com/content/docs/Fee-Schedule.pdf>, last viewed on January 28, 2020;
- Meriwest Credit Union Fee Schedule – available at [https://www.merwest.com/sites/www.merwest.com/files/media/consumer\\_feesched.pdf](https://www.merwest.com/sites/www.merwest.com/files/media/consumer_feesched.pdf), last viewed January 28, 2020;
- Metairie Bank Schedule of Services – available at <https://www.metairiebank.com/about/help-center/disclosures/schedule-of-services/>, last viewed January 28, 2020;
- Mid Oregon Federal Credit Union Checking Rate and Fee Schedule – available at

<https://www.midoregon.com/docs/disclosures/190801-Checking-Rate-Fee-Sched.pdf>, last viewed January 28, 2020;

- Natco Credit Union Fee Schedule – available at <https://www.natcocu.org/fee-schedule-2/>, last viewed January 28, 2020;
- Numerica Credit Union Personal Fee Schedule – available at <https://www.numericacu.com/globalassets/disclosures/fee-schedule-member.pdf>, last viewed January 28, 2020;
- On Tap Credit Union General and Business Membership Fee Schedule – available at <https://www.ontapcu.org/fee-schedule>, last viewed January 28, 2020;
- Patelco Credit Union Fee Schedule – available at <https://www.patelco.org/-/media/patelco/pdfs/member-support/privacy-and-security-center/fee-schedule.pdf>, last viewed January 28, 2020;
- Priority One Credit Union Schedule of Fees & Charges – available at [https://www.priorityonecu.org/membership/disclosures/Schedule\\_of\\_Fees.pdf](https://www.priorityonecu.org/membership/disclosures/Schedule_of_Fees.pdf), last viewed January 28, 2020;
- Purdue Federal Credit Union Fee Schedule – available at [https://www.purduefed.com//files/pages/0295-PurdueFed\\_Fees\\_July2019.pdf](https://www.purduefed.com//files/pages/0295-PurdueFed_Fees_July2019.pdf), last viewed January 28, 2020;
- Safe 1 Credit Union Fee Schedule – available at <https://www.safe1.org/home/rates-fees/fee-schedule>, last viewed January 28, 2020;
- Veridian Credit Union Fee Schedule – available at <https://www.veridiancu.org/rates/fee-schedule>, last viewed January 28, 2020;
- Wings Financial Credit Union Schedule of Fees – available at

<https://www.wingsfinancial.com/schedule-of-fees>, last viewed January 28, 2020.

9. Exhibits 6-9 consist of account agreements and disclosures explaining to consumers that a single electronic transaction can be presented to the bank by the merchant for payment multiple times, resulting in multiple NSF fees being assessed for a single electronic transaction.

10. Attached hereto as Exhibit 6 is a true and correct copy of Elevations Credit Union's Membership and Account Agreement, that was obtained from, and published on, a website maintained by Elevations Credit Union at the following internet address:

<https://www.elevationscu.com/disclosures>, last viewed on January 28, 2020.

11. Attached hereto as Exhibit 7 is a true and correct copy of an excerpt of Wings Financial Credit Union's Account Agreement and Disclosure, that was obtained from, and published on, a website maintained by Wings Financial Credit Union at the following internet address:

[https://www.wingsfinancial.com/WingsFinancial/media/PDFs/Acct\\_Agreement\\_Disc.pdf](https://www.wingsfinancial.com/WingsFinancial/media/PDFs/Acct_Agreement_Disc.pdf), last viewed on January 28, 2020.

12. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of First Citizens Bank's Deposit Account Agreement, that was obtained from, and published on, a website maintained by First Citizens Bank at the following internet address:

<https://www.firstcitizens.com/personal/banking/deposit-agreement>, last viewed on January 28, 2020.

13. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of First Hawaiian Bank's Terms and Conditions, that was obtained from, and published on, a website maintained by First Hawaiian at the following internet address:

[https://www.fhb.com/en/assets/File/Home\\_Banking/FHB\\_Online/Terms\\_and\\_Conditions\\_of\\_FHB\\_Online\\_Services\\_RXP1.pdf](https://www.fhb.com/en/assets/File/Home_Banking/FHB_Online/Terms_and_Conditions_of_FHB_Online_Services_RXP1.pdf), last viewed on January 28, 2020.

14. Exhibits 10-13 consist of account agreements and disclosures of credit unions referenced in paragraph 44 of the Complaint, all of which explain debit holds to consumers.

15. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of Navy Federal Credit Union's Overdraft Protection Service (OOPS) Disclosures, obtained from, and published on, a website maintained by Navy Federal Credit Union at the following internet address: [https://www.navyfederal.org/pdf/applications-forms/NFCU\\_657.pdf](https://www.navyfederal.org/pdf/applications-forms/NFCU_657.pdf) last viewed on January 28, 2020.

16. Attached hereto as Exhibit 11 is a true and correct copy of excerpts of Golden 1 Credit Union's Disclosure of Account Information, obtained from, and published on, a website maintained by Golden 1 Credit Union at the following internet address: <https://www.golden1.com/pdf/c-36.pdf>, last viewed on January 28, 2020.

17. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of Suncoast Credit Union's Account Agreement and Disclosures, that was obtained from, and published on, a website maintained by Suncoast Credit Union at the following internet address: <https://www.suncoastcreditunion.com/about-us/forms>, last viewed on January 28, 2020.

18. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of San Diego County Credit Union's , that was obtained from, and published on, a website maintained by San Diego County Credit Union at the following internet address: <https://www.sdccu.com/pdfs/account-disclosures/account-disclosure/>, last viewed on January 28, 2020.

19. Exhibits 14-17 consist of account agreements and disclosures of credit unions and

banks that explain the available balance or other fee disclosures.

20. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of MidFlorida Credit Union's Overdraft Agreement and Disclosure, that was obtained from, and published on, a website maintained by MidFlorida Credit Union at the following internet address:

<https://www.midflorida.com/terms-and-conditions/overdraft-agreement/>, last viewed on January 28, 2020.

21. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of Point Loma Credit Union's Courtesy Pay Disclosure, that was obtained from, and published on, a website maintained by Point Loma Credit Union at the following internet address:

<https://www.plcu.com/learn/disclosures/courtesy-pay>, last viewed on January 28, 2020.

22. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of State Employees Credit Union of Maryland's Terms and Conditions, that was obtained from, and published on, a website maintained by State Employees Credit Union of Maryland at the following internet address: [https://www.secumd.org/-/media/Disclosures/SECU/account-opening/Deposit\\_Account\\_Agreement.ashx](https://www.secumd.org/-/media/Disclosures/SECU/account-opening/Deposit_Account_Agreement.ashx), last viewed on January 28, 2020.

23. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of JP Morgan Chase's A Guide to Your Account, that was obtained from, and published on, a website maintained by JP Morgan Chase at the following internet address:

[https://www.chase.com/content/dam/chasecom/en/checking/documents/clear\\_simple\\_guide\\_total.pdf](https://www.chase.com/content/dam/chasecom/en/checking/documents/clear_simple_guide_total.pdf), last viewed on January 28, 2020.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of January, 2020 at Irvine, California.

/s/ Richard D. McCune  
Richard McCune

**CERTIFICATE OF SERVICE**

I certify that on January 28, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants in the above-referenced matter.

/s/ Richard D. McCune

Richard D. McCune